

**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL, LEMON GROVE HOUSING AUTHORITY, LEMON  
GROVE SANITATION DISTRICT BOARD, LEMON GROVE ROADWAY LIGHTING DISTRICT  
BOARD, AND LEMON GROVE SUCCESSOR AGENCY  
November 18, 2014**

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**Call to Order**

Members present: Mary Sessom, Howard Cook, George Gastil, Jerry Jones, and Racquel Vasquez.  
Members absent: None.

City Staff present: Graham Mitchell, City Manager; Lt. Brock, Sheriff's Department; Dave DeVries, Principal Planner; Carol Dick, Development Services Director; Leon Firsht, City Engineer; Susan Garcia, City Clerk; James P. Lough, City Attorney; Mike James, Public Works Director; Tim Smith, Deputy Fire Chief; and Cathleen Till, Finance Director.

**Changes to the Agenda**

Graham Mitchell requested that item number 2 be moved to the end of the agenda due to conflict of interests.

**Public Comment**

John L. Wood commented on vehicles illegally parked in Lemon Grove and the tree trimming project at the Toyota dealership.

Mayor Sessom recognized Teresa Johnson for 10 years as owner and master pastry chef of the Lemon Grove Pastry Shop.

- 1. Consent Calendar**
  - A. Approval of City Council Minutes**  
November 4, 2014 Regular Meeting
  - B. Ratification of Payment Demands**
  - C. Waive Full Text Reading of All Ordinances and Resolutions on the Agenda**

**Action: Motion by Mayor Pro Tem Jones, seconded by Councilmember Gastil, to approve the Consent Calendar passed, by the following vote:**

**Ayes: Sessom, Cook, Gastil, Jones, Vasquez**

- 3. Public Hearing to Consider General Plan Amendment GPA14-003 and Zoning Amendment ZA14-001 Amending the General Plan Land Use Designation from Retail Commercial to General Business for 6969 and 6975 North Avenue and Amending the Zoning District from General Commercial (GC) to Heavy Commercial (HC) for 6969, 6975, and 7001 North Avenue**

Dave DeVries explained that the proposed general plan amendment and zoning amendment encompasses three properties consisting of 2.86 acres located on North Avenue between Massachusetts Avenue and Federal Boulevard.

The project was initiated by an owner of one of these three properties, and at staff's suggestion, was expanded to include the two other contiguous properties. The three properties are currently zoned General Commercial, but are physically isolated from the rest of the commercial district. The development on these sites consists mostly of warehouse type structures with ancillary office space and outdoor yards. As a result, businesses that are attracted to these locations tend to be more consistent with Heavy Commercial uses rather than General Commercial uses.

The properties' close proximity to State Route 94 and isolation from the City's commercial retail corridor makes heavy commercial land uses an appropriate use. This amendment will help meet a current demand for heavy commercial land uses in an area already containing appropriate facilities, reduce potential vacancies of these sites, and provide jobs in the area.

Robbie Cornell, spoke on behalf of the applicant and provided an overview of the project.

Public Speaker(s)

There were no requests from the public to speak.

**Action: Motion by Mayor Pro Tem Jones, seconded by Councilmember Gastil, to close the public hearing and adopt the resolution passed, by the following vote:**

**Ayes: Sessom, Cook, Gastil, Jones, Vasquez**

**Resolution No. 2014- 3293:** Resolution of the City Council of the City of Lemon Grove, California Approving General Plan Amendment GPA14-003 Amending the General Plan Land Use Designation from Retail Commercial to General Business for 6969 and 6975 North Avenue, Lemon Grove, California

**Action: Motion by Mayor Pro Tem Jones, seconded by Councilmember Gastil, to introduce ordinance No. 425 and conduct the first reading by title only passed, by the following vote:**

**Ayes: Sessom, Cook, Gastil, Jones, Vasquez**

**Ordinance No. 425:** An Ordinance of the City Council of the City of Lemon Grove, California Approving Zoning Amendment ZA14-001 Amending the Zoning District from General Commercial (GC) To Heavy Commercial (HC) For 6969, 6975, And 7001 North Ave, Lemon Grove, California

**4. Ordinance No. 426 – Zoning Code Use Interpretations (Marijuana Dispensaries and Collectives Not Permitted Use)**

James Lough reported that he voters of California adopted the Compassionate Use Act ("CUA") in 1996 allowing "qualified patients" to use medically prescribed marijuana. Individual patients may cultivate marijuana for personal "medicinal" use and not be subject to criminal penalties under California law. "Qualified patients" may also work with their "primary caregivers" to cultivate the marijuana for medicinal purposes.

The CUA also allows "qualified patients" and their "primary caregivers" to "collectively dispense" marijuana for medicinal purposes to those "qualified patients" who are not able to grow their own medical marijuana. How "collectives" and "dispensaries" operate has been an area of contention and much litigation throughout the State.

The CUA and State implementing legislation do not prevent local land use authority from declaring the establishment of marijuana dispensaries or collectives to be nuisances under local police power (zoning). The California Supreme Court held that the CUA was a preliminary step to decriminalizing medicinal marijuana, but it did not preempt local land use controls.

In November 2012, two land use initiatives, Propositions "Q" and "T", which would have allowed medical marijuana collectives/dispensaries in certain non-residential zones, were presented to Lemon Grove voters for consideration. Each was voted down with at least a 62 percent "No" vote. These denials by the voters is further indication that medical marijuana collectives/dispensaries should not be allowed in any commercial zone within the City.

This clarification will give staff the ability to turn down applications without going through the interpretation process for a "use" that has never been allowed. This will save time and money for both the applicant and City staff.

Public Speaker(s)

There were no requests from the public to speak.

**Action: Motion by Councilmember Gastil seconded by Councilmember Jones, to introduce Ordinance No. 425 and conduct the first reading by title only passed, by the following vote:**

**Ayes: Sessom, Cook, Gastil, Jones, Vasquez**

**Ordinance No. 426:** An Ordinance of the City Council of the City of Lemon Grove, California Amending Sections 17.12.010 And 17.12.070 of the Lemon Grove Municipal Code to Add a City Council Interpretation Procedure and to Recognize that Marijuana Collectives or Dispensaries Are Not a Permitted Use in Any Zone

**2. Community Development Block Grant Allocation for Fiscal Year 2014-15 and Fiscal Year 2015-16**

James Lough reported that there is a conflict with three City Council members due to the proximity of their residences to the proposed projects. In order to maintain a quorum, Councilmembers Vasquez, Cook, and Mayor Pro Tem Jones drew straws. The shortest straw was selected by Mayor Pro Tem Jones who remained at the dais. Councilmembers Vasquez and Cook left the meeting.

Mayor Pro Tem Jones reported that his residence is within 500 feet of the proposed projects on New Jersey Avenue and Brunei Court.

Leon Firsht explained that the Community Development Block Grant (CDBG) program is a Federal Block Grant Program created by Congress in 1974 and administered by the County of San Diego.

According to the County of San Diego's website, CDBG-funded projects must satisfy one of three national program objectives:

- Provide a benefit to low and moderate income persons,
- Prevent or eliminate slums and blight, or
- Meet needs having a particular urgency.

In addition the eligible activities broadly include:

- Real property acquisition,
- Public facilities and improvements,

Public services,  
Economic development (job creation), and  
Housing development and rehabilitation.

During last year's first CDBG public hearing, there were no comments from the public and the City Council directed staff to allocate funding towards street rehabilitation. At the subsequent meeting, staff recommended segments of Barton Drive (Englewood Drive to Ensenada Street) and Dayton Drive (Englewood Drive to Nichols Street) for funding. However, staff cautioned that these recommendations were based on data from the 2000 Census and that these areas may not be eligible for funding once the 2010 Census data was available.

Since the City Council resolution's adoption, County staff has provided a map of eligible areas based on the 2010 Census data. Unfortunately, the segments of Barton Drive and Dayton Drive reside just beyond the eligible areas. With this new information, CDBG funding for FY 2014-15 must be reallocated to new eligible projects.

Based on direction provided by the City Council at last year's meeting, staff anticipates that there is continued support for allocating CDBG funds towards street rehabilitation projects. In the past year, no other requests for CDBG funding have been made to the City.

Staff used the following criteria to determine potential street rehabilitation projects:

- Street segments with the lowest Pavement Condition Index from the Pavement Management Program adopted by the City Council on June 30, 2010;

- A map exhibit of eligible Census areas provided by the County;

- Field visits conducted by Engineering and Public Works staff; and

- Block eligibility calculations that are performed by the County.

Based on these criteria, staff recommends the following street segments be rehabilitated with the Fiscal Years 2014-15 and 2015-16 CDBG allocation:

- New Jersey Avenue, from Tweed Street to Brunei Court;

- Brunei Court, from New Jersey Avenue to cul-de-sac;

- Darryl Street, from Kempf Street to Washington Street;

- Rosemary Lane, from Massachusetts Avenue to Pergl Street; and

- Mazer Street, from Chatswood Drive to Lyndine Street.

Staff also recommends including CDBG funding for ADA pedestrian curb ramps, which may be allocated for use Citywide.

Mayor Sessom opened the public hearing.

Public Speaker(s)

There were no requests from the public to speak.

**Action: Motion by Councilmember Gastil, seconded by Mayor Pro Tem Jones, to adopt the resolution passed, by the following vote:**

**Ayes: Sessom, Gastil, Jones**

**Absent: Cook, Vasquez**

**Resolution No. 2014-3292:** Resolution of the City Council of the City of Lemon Grove, California Authorizing the Submission of an Application for the Community Development Block Grant Program for Fiscal Year 2014-15 and Fiscal Year 2015-16

**City Council Oral Comments and Reports on Meetings Attended at the Expense of the City. (GC 53232.3 (d))**

Mayor Pro Tem Jones reported on recent SANDAG and community art project meetings.

Councilmember Vasquez participated in the Veterans Day Parade and visited VFW Hall Post 1512 Encanto to meet with veterans.

Mayor Sessom attended a recent SANDAG meeting and reported on their potential changes in leadership structure.

**City Manager and Department Director Reports**

Mike James reported on the upcoming Lemon Grove Bike Rodeo and Fall Turkey Camp, along with the Lemon Grove Live event.

**Adjournment**

There being no further business to come before the City Council, Housing Authority, Sanitation District Board, Lemon Grove Roadway Lighting District Board, and the Lemon Grove Successor Agency the meeting was adjourned at 7:05 p.m.

*Susan Garcia*

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Susan Garcia, City Clerk